

PIN: 07-24-200-007

ADDRESS:
445 AURORA AVENUE
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
COMMUNITY SERVICE OFFICE/CITY CLERK
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #22-1-034

ORDINANCE NO. 22 - _____

AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE FOR
CHARLESTON ROW III

RECITALS

1. **WHEREAS**, Thomas J. Eganhouse as Trustee of the Thomas J. Eganhouse Trust dated September 24, 1999 as to an undivided 50% interest and Betty A. Eganhouse, as Trustee of the Betty A. Eganhouse Trust dated October 14, 1999, as to an undivided 50% interest ("**Owners**"), are the Owners of real property located at 445 Aurora Avenue, Naperville, Illinois, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**"); and
2. **WHEREAS**, Charleston Investments, LLC ("**Petitioner**") is the contract purchaser of the Subject Property; and
3. **WHEREAS**, with permission from the Owners, Petitioner has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for Charleston Row

III to create a legal lot of record in order to develop eight (8) single-family attached residential units on the Subject Property; and

4. **WHEREAS**, subject to compliance with the requirements of Section 7-1-3 (Applicability, Compliance, and Definitions) of the Naperville Municipal Code, the City Zoning Administrator has determined that the requested subdivision meets the requirements to permit more than one (1) building on one (1) lot; and
5. **WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for Charleston Row III should be approved as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing Recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Subject to compliance with the requirements of this Ordinance, including the Owner's Acceptance and Acknowledgement Agreement attached to this Ordinance as **Exhibit C**, the Preliminary/Final Plat of Subdivision for Charleston Row III, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: The Owner's Acknowledgement and Acceptance Agreement attached to this Ordinance as **Exhibit C** is hereby approved.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance, the Preliminary/Final Plat of Subdivision for Charleston Row III, and the Owner's Acknowledgement and Acceptance Agreement, approved by this Ordinance, with the DuPage County Recorder.

SECTION 6: If this Ordinance and Preliminary/Final Plat of Subdivision it approves are not recorded with the DuPage County Recorder within one (1) year of their approval and passage by the Naperville City Council, this Ordinance and the Preliminary/Final Plat of Subdivision shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Owners and Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 7: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk